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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,722	01/16/2004	Andrew Kilkenny	426.56	6548
27019	7590	04/06/2006		
THE CLOROX COMPANY P.O. BOX 24305 OAKLAND, CA 94623-1305			EXAMINER BOYER, CHARLES I	
			ART UNIT	PAPER NUMBER
			1751	
DATE MAILED: 04/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/758,722

Applicant(s)

KILKENNY ET AL.

Examiner

Charles I. Boyer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 4, 6-23, 25-46, 65 and 66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6-23, 25-46, 65, and 66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to applicants' amendment and response received January 23, 2006. Claims 1, 3, 4, 6-23, 25-46, 65, and 66 are currently pending.

#### ***Specification***

1. The amendment filed January 23 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "greater than 20% water".

Applicant is required to cancel the new matter in the reply to this Office Action.

#### ***Election/Restrictions***

1. Applicants election of claims 1-46, 65, and 66 and the cancellation of claims 47-64 is acknowledged.

#### ***Claim Objections***

Claims 8-23 and 25-37 are objected to because of the following informalities: Claims 8-23, and 25-37 depend ultimately from present claim 2 which has been canceled. For purposes of examination, the examiner will treat these claims as dependent from present claim 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 10, 25, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 6, 10, 25, and 27 are confusing because the composition has greater than 20% water, yet the composition is dry to the touch and has effervescent activity when combined with water. Applicants' specification teaches that when the cleaning composition comprises effervescent materials, then the composition may comprise no more than 5%, or no more than 3.5%, or no more than 1% water by weight of the total composition.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1, 8, 9, 12-16, 18, 20, 26, 30, 31, 34, 35, 38-40, 43, 44, 65, and 66 are rejected under 35 U.S.C. 102(b) as being anticipated by Kott et al, US 6,303,556.

Kott et al teach hard surface cleaners comprising 10% citric acid, 2% ethoxylated alcohol nonionic surfactant, 8% anionic surfactant, and the balance water and minors wherein the composition has a pH of 3 (col. 92, example 36). The reference clearly teaches the presence of perfumes in the amount of 1% (col. 90, examples QQ-UU). The detergent composition is used with a cleaning implement containing a handle, and a removable cleaning pad comprising a scrubbing layer and an absorbent layer comprising a first and second layer (col. 86, lines 19-36). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have traversed this rejection on the grounds that the reference does not teach 1% or greater of a fragrance. The examiner disagrees and refers applicants to examples QQ-UU as set forth above.

3. The rejection of claims 1-4, 9, 12, and 13 under 35 U.S.C. 102(e) as being anticipated by Barnabas et al, US 6,814,088 is withdrawn in view of applicants' amendment and response.

The rejection of claims 1-4, 6, 10-14, 16, 22, 23, 25, 27, 28, 30, 34, 38, 39, and 43 under 35 U.S.C. 102(b) as being anticipated by Wundrock et al, US 4,852,201 is withdrawn in view of applicants' amendment and response, but will be reinstated upon cancellation of the new matter.

4. The rejection of claims 1 and 3-7 under 35 U.S.C. 102(e) as being anticipated by Sherry et al, US 6,716,805 is withdrawn in view of applicants' amendment and response.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnabas et al, US 6,814,088.

Barnabas et al teach hard surface cleaners comprising up to 3% citric acid, up to 15% alkylpolyglycoside nonionic surfactant, a biguanide biocide, and the balance water (col. 30, claims 1-5, 8, and 11). The detergent composition is used with a cleaning implement containing a handle, and a removable cleaning pad (col. 29, lines 61-65). Essential oils such as terpenes and pine oil are taught as suitable additives of the invention, as well as perfumes (col. 17, lines 6-58), and it is taught that cleaning solvents should be purified to improve perfume solubility (col. 16, lines 62-66). The reference, then, has ample teachings that perfumes and essential oils may be present in the composition. The reference does not specifically teach perfumes or essential oils present in an amount of 1% or greater. However, it is obvious to one of ordinary skill in

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the art to select an effective amount of perfume or essential oils in a hard surface cleaner and such effective amounts overlap the range of 1% or greater presently claimed. Accordingly, it would have been obvious to one of ordinary skill in the art to use a perfume in an amount of at least 1% based on the teachings of the reference.

2. Claims 1, 3, 4, 8, 9, 11-23, 26, 28, 30-46, 65, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kott et al, US 6,303,556.

Kott et al are relied upon as set forth above. The nonionic surfactants of the invention may be present in amounts as high as 25% and alkyl sulfates are suitable anionic surfactants of the invention (col. 25, lines 31-54). The non-aqueous solvents of the invention may be present in amounts as low as 0.5% (col. 46, lines 4-15). The compositions may also include a bleaching agent (col. 80, lines 4-67). Accordingly, It would have been obvious to one of ordinary skill in the art to incorporate well-known additives to hard surface cleaners into example 36 and to adjust the proportions of components within the teachings of the reference. With respect to claim 19, alkylpolyglycosides are not specifically taught by the reference, however, as these surfactants are well-known in the art for inclusion in hard surface cleaners, their inclusion is not an unobvious choice to one of ordinary skill in the art.

3. Claims 1, 3, 4, 7-9, 11-23, 26, 28-46, 65, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kott et al, US 6,303,556 in view of Sherry et al, US 6,716,805.

Kott et al are relied upon as set forth above. Kott et al do not teach a disappearing dye. Sherry et al teach hard surface cleaners comprising citric acid, alkylpolyglycoside nonionic surfactant, bleaching agent, antimicrobial agent, as low as 0.25% organic solvent, up to 2% perfume, and the balance water wherein the composition has a pH as low as 1 (col. 75, claim 1). The detergent composition is used with a cleaning implement containing a handle, and a removable cleaning pad comprising a disappearing dye and 2 layers (col. 62, lines 50-64). Based on the teachings of Sherry et al that disappearing dyes are well known in the art for use in cleaning pads, their incorporation into the pad of Kott et al is an obvious design choice to one of ordinary skill in the art.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of




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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Charles I Boyer  
Primary Examiner  
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